IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 15439 of 2005

Between:

Then Upparapalem Fishermen Cooperative Society Ltd., Rep by The President Sri K.Komma Pedda Yogaiah,
S/o.Pedda Subbaiah, R/o.Upparapalem Village, Vinukonda Mandal,Guntur District.

..... PETITIONER

AND

1 The Special officer, Venukonda Municipality, Guntur district.
2 The Assistant. Director of Fishers, Guntur, Guntur district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st Respondent in conducting public auction of Fishery Rights of Singara Tank, is illegal, arbitrary and violative of Principles of Natural Justice and consequently direct the Respondents to follow the procedure prescribed under G.O.Ms.No.343 dt.10-4-1978 & G.O.Ms.No.776 dt.31-12-1990.

Counsel for the Petitioner: MR.U.RAMANJANEYULU

Counsel for the Respondents: MR.S.NAGESWARA REDDY

The Court at the admission stage made the following :

O R D E R:

The petitioner seeks a Mandamus declaring the action of the first respondent in conducting public auction of Fishery Rights of Singara Tank as illegal and arbitrary, and consequently to direct the respondents to follow the procedure prescribed under G.O.Ms.No.343, dated 10.04.1978 and G.O.Ms.No.776, dated 31.12.1990.

The petitioner, a Society registered under A.P. Cooperative Societies Act in 1983, consist of members of Scheduled Caste, Scheduled Tribe and Weaker Sections of society, in total thirty-two members, who are eking out their livelihood through fishing operations in the Singara Tank, which is a minor irrigation. As per Section 56(1) B of the Andhra Pradesh Panchayat Raj Act, 1994, all minor irrigation tanks are vested with the Grampanchayat. It is stated that a procedure has been contemplated for leasing out fishery rights to the Societies under G.O.Ms.No.343, dated 10.04.1978, and G.O.Ms.No.776, dated 31.12.1990. According to which, the Gramapanchayat shall make an application to the Divisional Panchayat Officer for fixing the upset price to the tank and after

getting the upset price, the Grampanchayat will call for views of the concerned local fishermen Societies. If any Society is willing to take the said tank, the Grampanchayat leases out the Fishing rights to the Society as per upset price fixed by the Divisional Panchayat Officer. On 20-05-2005, as per the proceedings issued by the Grampanchayat, the petitioner society, after paying the upset price of Rs.40,000/- as fixed by the Divisional Panchayat Officer, has taken the tank to caught the fish. While so, the Grampanchayat is converted into Municipality and the first respondent is going to conduct public auction contrary to the rules prescribed in the above said G.Os. Then, the petitioner submitted a representation, dated 16-06-2005, to the respondents requesting them to follow the Rules issued in the said G.Os.,. However, no steps have been taken so far on the said representation. Hence, the petitioner is constrained to approach this Court.

Having heard the learned counsel on either side and perused the material available on record and in view of the facts and circumstances of the case, especially in view of the fact that the representation, dated 16-06-2005, submitted by the petitioner is pending before the respondents, without expressing any opinion on the merits of the case, I deem it appropriate to direct the respondents to dispose of the said representation.

The writ petition is accordingly disposed of directing the respondents to consider the representation, dated 16-06-2005, submitted by the petitioner and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

(ELIPE DHARMA RAO, J)

Date:18-07-2005

ghn

To

1 The Special officer, Venukonda Municipality, Guntur district.
2 The Assistant. Director of Fishers, Guntur, Guntur district.

3 Two C.D. copies.